

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ROBERT BAKER

PLAINTIFF

v.

CAUSE NO. 1:17CV34-LG-RHW

JACKSON COUNTY, MISSISSIPPI

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE FOR FAILURE TO PROSECUTE**

This cause comes before the Court on the Report and Recommendation [18] of United States Magistrate Judge Robert H. Walker entered in this cause on October 4, 2017. According to Magistrate Judge Walker's review of the procedural history of this case, the plaintiff failed to appear at a duly noticed hearing after informing the Court that he would be representing himself. Counsel opposite made multiple, unsuccessful attempts to contact the plaintiff after the plaintiff's last communication with the Court on August 28, 2017. The plaintiff was warned by the Court that his failure to respond to orders would result in dismissal of his claims, and Magistrate Judge Walker now recommends that this case be dismissed for the plaintiff's failure to prosecute and to comply with orders of the Court. The copy of the Report and Recommendation mailed to the plaintiff by certified mail was returned as undeliverable. (ECF No. 19).

Because the plaintiff has not objected to Magistrate Judge Walker's recommendation that this case be dismissed, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After

having reviewed the Report and Recommendation and the record in this case, the Court finds that the Magistrate Judge's conclusion is neither clearly erroneous nor contrary to law. Accordingly, it will be adopted by this Court, and plaintiff's case dismissed.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [18] of United States Magistrate Judge Robert H. Walker entered in this cause on October 4, 2017, should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff's claims are **DISMISSED** without prejudice pursuant to FED. R. CIV. P. 41(b) for failure to prosecute.

SO ORDERED AND ADJUDGED this the 19th day of October, 2017.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE